

UCLA Faculty Association

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Wednesday, March 19, 2025

Is this really the hill UC wants to die on? - Part 2

Last month, we posted about the Zhong case concerning UC admissions.* Basically, a seemingly-outstanding Asian American student was rejected and is suing on the same grounds that succeeded at the Supreme Court in cases involving Harvard and the University of North Carolina.



Yours truly - who is no legal expert - suggested UC might want to make some kind of settlement in the Zhong case. Yours truly - who again is no legal expert - was unaware that a similar case had been filed in February against UC by other plaintiffs.** This other one looks shakier than the Zhong case because it is filed on behalf of applicants who haven't yet been rejected but fear they will be judged unfairly. (And, once again, yours truly is not a legal expert.)

Nonetheless, settling the Zhong case would likely settle the other. And, as we pointed out, the current environment is providing UC with a plethora of hills to die on and this particular one may not be the highest priority.

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*<https://uclafacultyassociation.blogspot.com/2025/02/is-this-really-hill-uc-wants-to-die-on.html>.

**Students Against Racial Discrimination v. Regents:

<https://sard.law/static/sard/pdf/COMPL%20Students%20Against%20Racial%20Discrimination%20v.%20University%20of%20California%20Complaint.66ef1c3f72fc.pdf>.

Posted by California Policy Issues at 3:30 AM No comments:

Labels: admissions, diversity, politics, UC

Do I sense a computer SNAFU? - Part 2

Back in late July, yours truly reported that a program at UCLA known as ASCEND had been paused, a seeming SNAFU in the design of a computer system for purchasing and maybe other functions.*



Yours truly is not in the loop on such matters, but apparently the Regents are. And according to documentation for today's meeting, ASCEND - whatever it is - is still not ascending. It is reported as still "paused".**

*<https://regents.universityofcalifornia.edu/regmeet/mar25/f8.pdf>.

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*<https://uclafacultyassociation.blogspot.com/2024/07/do-i-sense-computer-snafu.html>.

Posted by California Policy Issues at 3:10 AM No comments:

Labels: UC Regents, UCLA

Tuesday, March 18, 2025

Reversal of Divestment in Fossil Fuels?

We'll provide a more complete summary of the March 18th meeting of the Regents' Investments Committee and Health Service Committee in a subsequent post.

However, it is worth noting that statement made by Chief Investment Office Jagdeep Bachhar at the end of the Investments Committee session. He referred to changes in policy coming out of

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- Emergency Day of Action March 19, Noon
- Council of UC Faculty Associations Resolution Against ICE Raids and Deportations
- Faculty Association Town Hall on Funding Cuts – March 13 at 6pm
- Once Again, It's Time for California to Lead

Remaking the University

- Where There are No Universities (Guest Post) - 3/31/2025
- Finding "Dear Colleagues" within the Autocratic Academy (Guest Post) - 3/28/2025
- Liner Note 20: After Columbia's Betrayal - 3/22/2025

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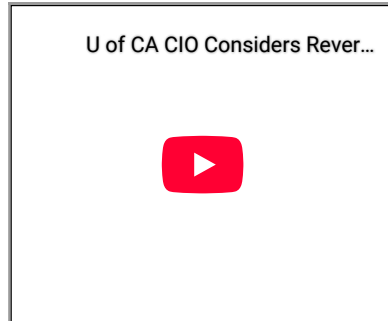
UC (1942) politics (1844) UC Regents (1798) health care (1349) State Budget (1230) governor (1071) UC budget crisis (934) UC-Berkeley (867) diversity (692) pension (649) pensions (589) tuition (521) admissions (508) athletics (481) CSU (393) transportation (376) UC-Davis (368) online education (337) ucpr (295) uc retirement (294) UCOP (292) audio (288) new hotel-conference center (282) traffic (281) UC enrollment (276)



Washington, DC on energy and indicated a possible considering of reinvesting in fossil fuels as a result. UC had divested in the past, but has never had an official position on divestment. After pressure to divest from fossil fuels, Bachhar had divested but on a financial rationale, not a political one.

Their was no reaction from the committee members. You can see

Bachhar's statement at:

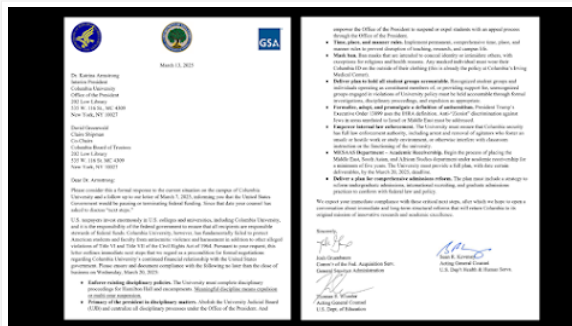


Or direct to <https://www.youtube.com/watch?v=xtNOsG6azUk>.

Posted by California Policy Issues at 5:13 PM No comments:

Labels: politics, UC Regents

Letter to Columbia University Detailing Conditions for Restoration of Funding - Part 2



In a blog post last week, we reproduced the letter received by Columbia University from various federal agencies.* Seven faculty members wrote an analysis, presumably aimed at other faculty and the president of Columbia. We reproduce it below:

Saturday, March 15, 2025

A Title VI Demand Letter That Itself Violates Title VI (and the Constitution)

Source: <https://adamtooze.substack.com/p/chartbook-362-what-should-be-columbia>.

By Kate Andrias (Columbia Law), Jessica Bulman-Pozen (Law), Jamal Greene (Law), Olatunde Johnson (Law), Jeremy Kessler (Law), Gillian Metzger (Law), and David Pozen (Law)

On Thursday, the president of Columbia University received a remarkable letter from the General Services Administration, the Department of Health and Human Services, and the Department of Education. The letter states that the university must meet numerous requirements by March 20, 2025, “as a precondition for formal negotiations regarding Columbia University’s continued financial relationship with the United States government.” These requirements include changes to student disciplinary policies and procedures; changes to rules on university governance, campus security, and campus life; placing the Middle Eastern, South Asian, and African Studies department “under academic receivership”; and “comprehensive” reform of admissions to various schools within the university.

As scholars of constitutional law, administrative law, and antidiscrimination law who teach at Columbia, we feel compelled to point out some of the most glaring legal problems with this letter.

Title VI Standards. As the basis for the funding cutoff, the letter cites the university’s failure to protect students and faculty from “antisemitic violence and harassment in addition to other alleged violations of Title VI and Title VII of the Civil Rights Act of 1964.” The letter offers no explanation of the alleged violations, no mention of a completed investigation, and no account of how Columbia has been deliberately indifferent to ongoing antisemitic discrimination or harassment on its campus—perhaps because any such account would be implausible at this time. There is therefore no apparent statutory basis for a funding cutoff.

enrollment (251) UC-San Diego (241) community colleges (232) LAO (217) UC-Irvine (180) fund raising (161) UC-San Francisco (149) UC-Santa Barbara (149) UC-Santa Cruz (148) controller (139) faculty center (137) UC-Riverside (132) ballot propositions (132) CalPERS (120) UC-Merced (107) faculty pay (107) Master Plan (102) Yudof (89) UCRS retirement (60) Faculty Association at UCLA (59) parking (59) privatization (59) CalSTRS (50) UC Berkeley (33) copyright (30) campus climate survey (28) UCRS (21) Michigan Model (18) UC Merced (17) uc funding (16) State Contribution (14) UCOF (14) Regents (13) faculty recruitment (12) UC pay (7) graduate education (6) UC San Diego (5) UC Irvine (3) UCpolitics (3) teaching evaluation (3) UC Santa Cruz (2)

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Contributors

- California Policy Issues
- Toby Higbie
- UCLA Faculty Association

Title VI Procedures. Prior to a funding cutoff, Title VI requires “an express finding on the record, after opportunity for hearing,” of any failure to comply with the statute, as well as “a full written report” submitted to House and Senate committees at least 30 days before the cutoff takes effect. In defiance of these requirements (among others), the agencies are purporting to immediately freeze federal funds and to impose preconditions that the university must satisfy in advance of “negotiations.” The statute does not allow this approach.

Title VI Remedies. Even if proper notice had been given, a hearing had occurred, and a statutory violation had been found, Title VI does not permit blanket funding removals. Rather, it requires that any removal be “limited in its effect to the particular program, or part thereof, in which noncompliance has been so found.” There has been no allegation—much less a finding—of noncompliance in the many parts of Columbia from which funding has been cut, including from urgent medical and scientific research. Moreover, any permissible remedy would have to be tailored to addressing unlawful discrimination. The agencies’ demands exhibit no such tailoring and, on the contrary, effectively tell Columbia to rewrite its policies on free speech, student discipline, public safety, undergraduate admissions, and more. Indeed, the remedies demanded in the letter not only far exceed the power of the agencies under Title VI; they also raise serious constitutional concerns.

Academic Freedom and the First Amendment. The federal government enjoys broad discretion to provide funds to private institutions, including universities. The Supreme Court has made clear, however, that the government “may not deny a benefit to a person on a basis that infringes his constitutionally protected ... freedom of speech even if he has no entitlement to that benefit.” Simply put, funding conditions may not impose unconstitutional burdens on First Amendment rights. Many of the agencies’ demands risk compromising academic freedom, which the Supreme Court has recognized as “a special concern of the First Amendment.” The Court has emphasized the importance of academic freedom at universities in particular, stating that “[t]he essentiality of freedom in the community of American universities is almost self-evident.” In light of these core First Amendment principles, Title VI has never been understood to allow agencies to insist that a university restructure academic departments or abolish internal governance bodies, for example, as a condition of receiving federal funds.

Unconstitutional Vagueness. The Supreme Court has further emphasized that “[b]road prophylactic rules in the area of free expression are suspect” and that “[p]recision of regulation must be the touchstone in an area so closely touching our most precious freedoms.” Yet for several of the agencies’ demands implicating freedom of expression, it is unclear what the university must do to comply. For example, the letter offers no details as to what “federal law” or “policy” the university’s admissions practices contravene, and it offers no guidance as to why the university’s existing “time, place, and manner” rules are inadequate. The vagueness of the agencies’ demands compounds the threat to academic freedom and rule by law.

Due Process. A withdrawal of federal funding without adequate procedural safeguards likely violates the Due Process Clause of the Fifth Amendment as well as Title VI. The Supreme Court has stated that, in determining what constitutes adequate process, this clause requires an assessment of “the private interest that will be affected by the official action”; “the risk of an erroneous deprivation of such interest through the procedures used”; “the probable value, if any, of additional or substitute procedural safeguards”; and “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” The fact that Congress established the statutory procedures described above speaks to its own assessment of these factors. In any event, immediate withdrawal of funds without reference to a completed investigation—and in the absence of an opportunity for an administrative hearing or voluntary compliance with legitimate Title VI requirements—is not consistent with the Fifth Amendment.

This is a preliminary analysis. We do not mean to suggest that it is an exhaustive list of problems with the demand letter, nor do we mean to elevate our concerns about this matter over concerns about other recent actions taken by the executive branch. We focus on the legal infirmities of the letter’s Title-VI-related demands because they have received relatively little attention to date. While we are in no position to dictate the university’s response, we hope that this analysis helps show how these demands threaten not only Columbia’s funding for critical academic research but also fundamental legal principles and the mission of colleges and universities across the country.

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*<https://uclafacultyassociation.blogspot.com/2025/03/letter-to-columbia-university-detailing.html>.

Posted by California Policy Issues at 3:30 AM

No comments:



Labels: [Columbia](#), [diversity](#), [politics](#)

We're waiting for the explanation

Figure 3. Pension as of December 31, 2024											
As of December 31, 2024	Market Value in Millions (\$)	Fiscal YTD 6 Months	Annualized Returns								
			1 Year	3 Year	5 Year	10 Year	15 Year	20 Year	25 Year	30 Year	
Pension	\$103,162	4.9	12.5	3.6	7.7	7.4	8.1	6.7	6.1	8.5	
Total Plan Policy Benchmark		5.5	13.3	4.4	8.3	7.6	7.9	6.6	5.8	8.3	
Value Added		(0.6)	(0.8)	(0.8)	(0.6)	(0.2)	0.2	0.1	0.3	0.2	

The Regents begin their 3-day meetings today with a session of the Investments Committee. Note that the documentation for the committee on investment returns indicates that the pension portfolio has been earning below benchmark rates for the last ten years for the period ending Dec. 31, 2024. (There is a similar table for the endowment indicating earning below benchmark for the last 5 years.) It will be interesting to hear the explanation - if there is one.

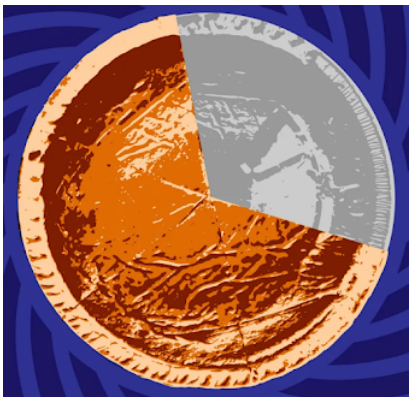
Source of the table above: <https://regents.universityofcalifornia.edu/regmeet/mar25/1.pdf>.

Posted by California Policy Issues at 3:15 AM No comments:    

Labels: UC Regents

Monday, March 17, 2025

Almost One Third



Ever wonder what proportion of the total UC budget is federal money? You're in luck. We have a tabulation for the last fiscal year:

Display II-6: 2023-24 Federal Support for UC and UC Students (Dollars in Millions)	
Program Support	
Research Grants and Contracts	\$3,056.1
Indirect Cost Recovery	\$1,114.4
DOE National Laboratory Operations	\$1,144.9
DOE Laboratory Management Fees	\$36.1
Other Contracts and Grants	\$349.2
Student Financial Aid	
Pell Grants	\$493.9
Other Undergraduate Grants and Scholarships	\$25.5
Graduate Fellowships and Scholarships	\$85.8
Student Loans	\$1,062.9
Work-Study	\$21.5
Patient Care	
Medicare	\$5,282.6
Medicaid	\$4,582.4
Estimated Total Federal Support	\$17,255.4

Source: https://www.ucop.edu/operating-budget/_files/rbudget/2025-26-budget-detail.pdf.

The \$17.3 billion shown is a little over 32% of the total UC budget, i.e., almost a third. And, of course, there are other federal vulnerabilities for UC such as the federal tax treatment of charitable donations and the endowments. Just saying...

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PS: Yours truly asked various AI programs to draw a pie with a slice equal to one third removed. None of them could quite do it. They got the pie right but not the size of the slice. He finally had to hunt on the web for an actual picture of a pie with one third removed. You can take whatever significance you like from this experience.

Posted by California Policy Issues at 3:30 AM No comments:    

Labels: politics, UC budget crisis

New Slogan

Back in the day, Sovietologists used to try to parse statements by Kremlin officials to try to figure out where policy was going.

Chancellor Frenk has released a new video. (See below.) He discusses his visits to various UCLA departments and references the new antisemitism task force and a forthcoming effort to protect undocumented and international students. Finally, he adds a new slogan - "from polarization to pluralism" - which is somewhat in contradiction to "we are one UCLA."



If we apply Sovietology to the new slogan, it could mean some kind of revival of the moribund Dialogue Across Difference program. Or not. It is likely he will attend at least some of the Regents meetings this week and perhaps say more. Or not.

You can see his remarks below:

UCLA Connects: Listening Ex...



Or direct to <https://www.youtube.com/watch?v=JA1nWAAp-pM>.

Posted by California Policy Issues at [3:20 AM](#) No comments:     

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